IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
Judge's Order No.489 of 2006
In
Guardianship Petition No.7 of 2004

Alam B. Pathan. .. .. Petitioner
v/s.
The Accountant General,
Pay & Accoutns Office & anr. .. Respondents

Mr.P.K.Deshmukh for Petitioner.

CORAM : SMT.R.S. DALVI, J.

DATED : 15th March, 2007

P.C. :

1. Pursuant to the appointment of the Petitioner as the guardian of the minor child Izaz Firoz Mulla, the amount of the gratuity payable to the father of the minor child has been deposited with the Accounts Officer of this Court. The quarterly interest amount of Rs.2300/- is being withdrawn by the guardian for the maintenance of the child. The guardian now does not desire to withdraw that amount but instead has applied for leave to withdraw the amount of the pension received in the account of minor child being Account No.003012110000051 in Bank of India, Mahim Branch, for his maintenance and upkeep.

2. A sum of Rs.1,18,207/- is lying deposited

in the aforesaid account of the minor child. The last interest amount is withdrawn in the last week. Hence, the following order:-

. The Petitioner shall be entitled to withdraw the pension amount which accrues due and is deposited in the aforesaid account from next month. The Petitioner shall not be entitled to withdraw Rs.1,18,207/- which is the present balance in the aforesaid account. The Petitioner also shall not withdraw the quarterly interest which accrues due on the gratuity amount lying with the Accounts Officer of this Court. A sum of Rs.1,18,207/- shall remain in the account unwithdrawn or be invested in a FDR of any nationalised Bank until the minor child attains majority. The gratuity amount with interest shall also remain with the Accounts Officer until the child attains majority. The pension amount of Rs.3460/- or thereabout shall be entitled to be withdrawn by the Petitioner for the maintenance of the child.

3. Judge’s order stands disposed of accordingly.

(Smt.R.S. Dalvi, J.)